

ZONING ORDINANCE 20-\_\_\_\_

AMENDING CERTAIN ZONING DISTRICT BOUNDARIES FROM R-36  
TO RU-4, PURSUANT TO THE APPLICATION OF  
SEED CAPITAL INVESTMENTS, LLC

WHEREAS, Arizona Revised Statutes (“A.R.S.”) § 11-814 allows property owners, or their authorized agent, to request amendments to the Zoning District boundaries, through the Board of Supervisors in a public hearing; and

WHEREAS, the Cochise County Board of Supervisors (“Board of Supervisors”) recognizes that zoning amendments can affect land use patterns and therefore, warrant careful consideration of local and regional impacts at a public hearing; and

WHEREAS, Tax Parcel 201-30-007A is zoned as R-36, and was never developed in accordance with the R-36 Zoning District; and

WHEREAS, Seed Capital Investments LLC (the “Applicant”) wishes to bring the Zoning into compliance with the actual development pattern and to amend the zoning to RU-4; and

WHEREAS, the requested zoning district represents a reduction in density in accordance with the Comprehensive Plan; and

WHEREAS, the requested zoning district is harmonious with the surrounding zoning districts; and

WHEREAS, the Board of Supervisors promotes effective, early and continuous public participation by citizens; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing on the amendments to the Zoning District boundaries proposed by the Applicant; and

WHEREAS, the Board of Supervisors conditionally approved the request for a change in the Zoning District boundaries,

NOW, THEREFORE, BE IT RESOLVED that the Cochise County Zoning District Boundaries shall be amended as follows:

The zoning classifications for Tax Parcel 201-30-007A as shown on the map attached to this Resolution as Exhibit A, are changed from R-36 to RU-4. The subject parcels are located on northwest corner of Fort Grant Road and Harguess Way, north of Willcox. It is further described as being situated in Section 32 of Township 12 South, Range 24 East of the G&SRB&M, in Cochise County, Arizona.

The Board of Supervisors approves Docket Z-20-08, subject to the following conditions of approval included as part of SU-20-07):

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from A.R.S. § 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission;
4. The applicant is required to obtain a Cochise County Right-of-Way/Encroachment Permit in advance or concurrent with their Commercial Permit application and coordinate with the Highway Department to provide a commercial access apron at the driveway intersection/connection with Fort Grant Road as per the Cochise County Roadway Design Standards or as approved by County Engineer;
5. At the Commercial permit, the Applicant shall submit documentation to the Floodplain department demonstrating compliance with the Floodplain regulations.
6. The ten (10) foot tall wall shall be screened with mature (trees shall be a minimum 24" box or equivalent) drought tolerant vegetation on all four sides.

7. The applicant shall utilize a drone security system (or similar) to reduce the required lighting. Any lighting still required shall fully comply with the Outdoor Light Regulations.
8. The greenhouses shall employ the “blackout panels” or similar to reduce the glow from when grow lights are required.
9. The Owner shall dedicate an additional 50 feet of right-of-way for Fort Grant Road.
10. An Ecosorb or similar odor elimination system shall be utilized and included in the commercial permit submittal.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 15th day of September 2020

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Thomas E. Borer, Chair  
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

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Kim Lemons, CPCC  
Clerk of the Board

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Christine J. Roberts, Esq.  
Chief Civil Deputy County Attorney